IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH DECEMBER 2006 / 5TH POUSHA 1928

Crl.MC.No. 4115 of 2006()

AGAINST THE ORDER DATED 26/10/2006 IN CRMP.NO.3551/2006 IN CRA.514/2006 of SESSIONS COURT, ALAPPUZHA

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PETITIONER:

JOGGY JOSEPH,
S/O. JOSEPH, AGED 53 YEARS,
CHERUKARA HOUSE, AVALOOKUNNU P.O.,
SUBRAMANYAPURAM ALAPPUZHA

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA

2. P.K. GOPINADHAN T.A., AGED 55 YEARS, PULICELICHIRA, AVALOOKUNNU P.O., ALAPPUZHA-6

BY PUBLIC PROSECUTOR K.S. SIVAKUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. M.C. No. 4115 of 2006

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Dated, this the 26th day of December 2006

ORDER

Petitioner who is an accused in C.C. 299/04 on the file of J.F.C.M.-II, Alappuzha for an offence punishable under Section 138 of the Negotiable Instruments Act involving a cheque for a sum of Rs. 1,50,000/- was convicted by the Magistrate. He has filed an appeal before the Sessions Court, Alappuzha as Crl.Appeal 514/06. He sought a suspension of the sentence and the appellate court was pleased to suspend the sentence as per Annexure B order dated 26-10-2006 in Crl. M.P. 3551/06. One of the conditions was to deposit the sum of Rs. 40,000- (Rupees forty thousand only) before the trial court within two months from the said date. It is the said order which is sought to be quashed in this petition filed under Sec. 482 of Cr.P.C.

I am not inclined to entertain this petition except to grant two months' more time to comply with the direction for deposit of cash. Accordingly, this Crl.M.C. is disposed of with a slight modification in the impugned order granting the petitioner further two months period from the period originally fixed for complying with the condition to deposit Rs. 40,000/- before the trial court.

V. RAMKUMAR,
(JUDGE)

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